

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
at CHATTANOOGA**

UNITED STATES OF AMERICA)
) 1:11-CR-45
v.)
) Judge Collier
CHARLES M. MARSHALL) Magistrate Judge Lee

**MOTION FOR CONTINUANCE OF MOTION DEADLINE, PLEA BARGAIN
DEADLINE, FINAL PRETRIAL CONFERENCE DEADLINE AND JURY TRIAL**

Now comes the defendant, Charles M. Marshall, by and through his court-appointed attorney, Paul Bergmann, III, and moves this Honorable Court for an order continuing the motion deadline, the plea bargain deadline, the final pretrial conference deadline and the jury trial of the above-referenced matter. As grounds for the instant motion, Movant avers the following:

1. Court-appointed Counsel, Paul Bergmann, III, is not the first attorney of record in the instant matter as the Federal Defender Service initially was appointed to represent Charles M. Marshall in the instant matter. Attorney Paul Bergmann, III, was appointed to represent Charles M. Marshall only after the Federal Defender Service moved to withdraw on conflict of interest grounds.
2. While moving counsel was appointed to represent Mr. Marshall in August, he was required to research, draft, finalize and file an unrelated, time-consuming 6th Circuit Court of Appeals brief by August 18, 2011.
3. Additionally, although moving counsel met with the defendant at the defendant's house on Sunday, August 21, 2011, and has conferred with the defendant telephonically on other occasions, moving counsel was out-of-town on business for

the remainder of the month of August and unable to meet with the above-referenced defendant at other times.

4. While today is the plea deadline, the AUSA in charge of Defendant Charles M. Marshall's prosecution has not provided defense counsel with a proposed plea agreement for his review and for his client's review. Both undersigned counsel for the defendant and the defendant require time to review any plea agreement proposed by AUSA Woods, who has been assigned prosecution of Charles M. Marshall.
5. Defense counsel has contacted AUSA Woods and received permission from him to inform the Court that he has no objection to a continuance of the plea deadline.
6. Pursuant to the authority of 18 U.S.C. Section 3161(h)(8) and the decisions of **United States v. Fielding**, 645 F.2d 719 (9th Cir. 1991), **United States v. Edwards**, 577 F.2d 883 (5th Cir. 1978) and **United States v. Roberts**, 548 F.2d 665 (6th Cir. 1977), the ends of justice served by the granting of the instant motion outweigh the interests of the public and the defendant in a speedy trial.

Wherefore, the defendant, Charles M. Marshall, by and through counsel of record, respectfully moves this Honorable Court to continue to a later date the motion deadline, the plea bargain deadline, the final pretrial conference deadline and the jury trial of the above-referenced matter.

Respectfully submitted,

s/ Paul Bergmann, III

Attorney for Defendant
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CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of the foregoing document has been duly served on all interested parties by filing same through ECF this 12th day of September, 2011.

s/ Paul Bergmann, III
Paul Bergmann, III